

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 1394 - SB 1378**

March 22, 2017

**SUMMARY OF BILL:** Establishes a procedure by which a person suffering from a terminal disease may elect to end his or her life in a humane and dignified manner through medication.

The patient must make a written request for medication to his or her attending physician. The request must be witnessed by two people one of whom must not be a relative, entitled to any portion of the patient's estate, or an owner, operator, or employee of a healthcare facility where the patient is receiving medical treatment or is a resident.

Creates a class A felony for (1) willfully altering or forging a request for medication with the intent of causing the patient's death, (2) concealing or destroying a rescission of a request with the intent of causing the patient's death, (3) coercing or exerting undue influence on a patient to request medication for the purpose of ending the patient's life, or (3) coercing or exerting undue influence on a patient to destroy a rescission of a request.

Creates a class A felony for willfully altering, forging, concealing, or destroying an instrument; the reinstatement or revocation of an instrument; or any other evidence or document reflecting the principal's desires and interests with the intent and effect of causing a withholding or withdrawal of life-sustaining procedures.

Creates a class A misdemeanor for willfully altering, forging, concealing, or destroying an instrument; the reinstatement or revocation of an instrument; or any other evidence or document reflecting the principal's desires and interests with the intent or effect of affecting a healthcare decision.

**ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures – \$2,200/One-Time  
\$106,500/Recurring**

**Assumptions:**

- It is assumed, and the Department of Correction confirms, that the proposed legislation will not significantly impact state incarceration costs.
- It is assumed that the proposed legislation will not significantly impact local incarceration costs.

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- The proposed legislation prohibits civil or criminal liability for actions taken by a doctor in compliance the proposed legislation. The proposed legislation also prohibits any discipline to be taken against a doctor for actions taken in compliance with the proposed legislation.
- The proposed legislation requires the Department of Health (DOH) to annually review records kept pursuant to the proposed legislation and generate an annual statistical report of information collected.
- The DOH will require an Epidemiologist 1 to collect the information and generate the report.
- The recurring increase in state expenditures is estimated to be \$106,500 [\$77,600 salary + (\$77,600 x 0.0894 benefits) + (\$77,600 x 0.0765 FICA) + \$6,926.76 insurance + \$9,100 travel, supplies, etc.] and nonrecurring state expenditures by \$2,200 [computer/printer].

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

/trm